

FINAL REPORT OF THE COMMISSION TO STUDY CERTAIN ASPECTS OF THE SCHOOL
BUS DRIVER SHORTAGE
(SB 566-FN, Chapter 333 Laws of 2018)
November 1, 2018

The general court finds that the shortage of school bus drivers in places like Northwood creates a significant burden on our school districts and our families. Later school start times and an inability to transport students to extracurricular activities adversely affect the education of our students. There is hereby established a commission to study the school bus driver shortage.

Duties

In session year 2018, SB566-FN was passed into law establishing a commission to study certain aspects of the school bus driver shortage. The commission was charged with studying the affect of bus driver shortages on school districts, and with studying the possibility of “statewide certification” as there are currently specific rules and statutes that restrict private bus companies and transportation providers from supporting multiple school districts throughout the state. The legislation called for the commission to submit an interim report of its findings and recommendations for proposed legislation on or before November 1, 2018.

Members of the commission were:

- a) Senator Donna Soucy. Senator Soucy was elected to Chair the Commission.
- b) Representatives Terry Wolf and Kermit Williams.
- c) Trooper Christopher Kelby, designee of the Department of Safety.
- d) Stephen Appleby, designee of the Commissioner of the Department of Education.
- e) Percy Abbott and Marc Raposo of the New Hampshire School Transportation Association.
- f) Donna LeMay, a school bus driver affiliated with a labor organization.
- g) Doris Nichols, a school bus driver not affiliated with a labor organization.
- h) Lisa Witte of the New Hampshire School Administrators Association.

Findings

- There are several factors causing the severe shortage of bus drivers for school districts in New Hampshire, including the current low unemployment rate and the lack of unemployment compensation during the summer months. The shortage creates difficulties for students, staff, and families. School districts are, however, required by law to bus children in grades 1 through 8.
- Hiring new drivers takes approximately 2 months due to training, licensing, and background check issues.

- Concerns were raised about the level of involvement of superintendents in the process due to their workload and lack of in-depth knowledge of the certification and background check process. The current statute governing this is 189:13-a.
- Many current bus drivers were approved by a current superintendents' predecessor. Therefore, current superintendents must abide by a previous superintendents' determination.
- Some superintendents believe the bus companies should perform the background check as drivers are employees of the bus company, not the school district.
- It was suggested that the current background check process is a "Band-Aid" approach and that the state should adopt a single check process that is sent to multiple SAUs.
- An effort should be made to reduce complexity while maintaining local control in the process.
- An FBI audit found the NH Department of Safety to not be in compliance in performing background checks for private companies because they can only be performed for government agencies. Private companies are required to submit a check directly to the relevant school district at the cost of \$47 and additional copies may be made available for \$5 per SAU.
- There is the potential for liability issues for local school districts if they don't make decisions themselves. Superintendents are required to review and approve each criminal background check.
- The Department of Safety rosters bus drivers and issues bus driver certificates and CDL licenses when required, and subsequently SAUs perform criminal background checks.
- Presently, if a temporary layoff is more than four weeks in duration, a worker must seek employment. If presented with an offer of employment, the worker must accept if the pay exceeds 150% of the unemployment benefit, within a certain geographic area and without assuming greater risk.
- 2017 proposed legislation would have increased the time period to 12 weeks for school bus drivers and monitors, but it was defeated as it did not cover all seasonal employees.
- Unemployment for bus drivers averages 6 ½ weeks during the summer months.
- The current maximum unemployment compensation benefit is \$427/week. The statewide average is \$333/week. The average for a school bus driver is \$175/week.

Recommended 2019 Legislative Action:

- Individuals with a definite return to work date within 9 weeks of the last day of physical work, as certified by their employer, should be exempt from the work search requirement.
- Create a commission to allow for continued discussion about criminal background checks and further recommended legislation to enact a statewide certification program for bus drivers based upon recommendations of the Department of Safety.

Respectfully Submitted,



Senator Donna M. Soucy, Chair



Representative Terry Wolf



Representative Kermit Williams



Christopher Kelby, Department of Safety



Stephen Appleby
~~Designee~~
Designee

Diana Fenton, Department of Education



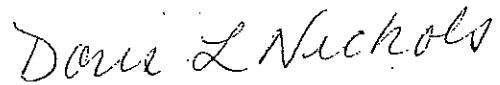
Percy Abbott, New Hampshire School
Transportation Association



Marc Raposo, New Hampshire School
Transportation Association



Donna LeMay, affiliated bus driver



Doris Nichols, unaffiliated bus driver



Lisa Witte, New Hampshire School
Administrators Association